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Attorneys for Respondent

ANGEL JESUS ALVAREZ.

Petitioner.

C 06-05027 MJJ

**MOTION FOR EXTENSION
OF TIME TO FILE REPLY**

ROBERT AYERS, JR., Warden,

Respondent.

21 Petitioner filed a petition for writ of habeas corpus on August 21, 2006. On September
22 5, 2007, respondent filed a motion to dismiss the petition as untimely. On October 11, 2007, the
23 Court granted petitioner's request for a 60-day extension to file his response. The Court ordered
24 respondent to file a reply within 15 days of the date any response is filed.

25 Petitioner filed his response on December 5, 2007. Accordingly, respondent's reply is
26 due December 20, 2007.

27 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent respectfully requests
28 an extension of 30 days to January 19, 2008, to file the reply. Good cause for this request is set

1 forth in the attached declaration.

2 Petitioner's counsel, Scott L. Tedmon, has no objection to respondent's request for a
3 30-day extension of time.

4 Dated: December 12, 2007

5 Respectfully submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of the State of California

8 DANE R. GILLETTE
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11 Senior Assistant Attorney General

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14 /s/ Violet M. Lee

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16 VIOLET M. LEE
17 Deputy Attorney General
18 Attorneys for Respondent

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21 SF2007401783

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16 Attorneys for Respondent

17
18 IN THE UNITED STATES DISTRICT COURT
19
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
21
22 SAN FRANCISCO DIVISION

23
24 **ANGEL JESUS ALVAREZ,**

25
26 Petitioner,

27 v.

28 **ROBERT AYERS, JR., Warden,**

29
30 Respondent.

31 C 06-05027 MJJ

32
33 **DECLARATION OF VIOLET
34 M. LEE IN SUPPORT OF
35 MOTION FOR EXTENSION
36 OF TIME**

37
38 VIOLET M. LEE states under penalty of perjury:

39
40 I am a Deputy Attorney General for the State of California assigned to prepare and file
41 a reply to petitioner's response to our motion to dismiss.

42
43 The Court's order of October 11, 2007, requires respondent to file a reply within 15
44 days of the date any response is filed. Our reply is currently due December 20, 2007. We have
45 made no prior request for extension of time.

46
47 Petitioner's 10-page response is accompanied by over 160 pages of exhibits.

48 Additional time is necessary to carefully consider the numerous exhibits submitted by petitioner.

1 Moreover, in the coming month, in addition to working on this case, I must file a supplemental
2 answer in *Cavaness v. Hamlet*, C 00-20351 RMW in federal district court, and respondent's
3 briefs in *People v. Reynard*, H030576, and *People v. Wright*, A116536, in the state Court of
4 Appeal. Finally, I will be out of the office on vacation for two weeks in the coming month.

5 For the reasons stated, we respectfully request that the Court grant an extension to
6 January 20, 2008, to file a reply to petitioner's opposition.

7 Executed this 12th day of December 2007, at San Francisco, California.

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10 /s/ Violet M. Lee

11 VIOLET M. LEE
12 Deputy Attorney General

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **ANGEL JESUS ALVAREZ,**

12 Petitioner,

C 06-05027 MJJ

13 **[PROPOSED] ORDER**

14 v.

15 **ROBERT AYERS, JR., Warden,**

16 Respondent.

17
18 GOOD CAUSE appearing, it is hereby ordered that the time within which to file
19 respondent's reply be extended thirty (30) days to and including January 20, 2008.

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21
22
23 Dated: _____

24 _____ The Honorable Martin Jenkins